



June 4, 2012

Via ECF

The Honorable Laurel Beeler, Magistrate Judge
United States District Court
Northern District of California
450 Golden Gate Avenue, Courtroom C, 15th floor
San Francisco, CA 94102

Re: *De Abadia-Peixoto, et al., v. United States Department of Homeland Security, et al.*, Case No. C 11-cv-04001 RS; Request to Be Excused From Personal Attendance

Dear Judge Beeler,

The plaintiffs in the above-entitled action write to request that plaintiffs Uelian de Abadia-Peixoto, Esmar Cifuentes and Mi Lan Wei be excused from attending the settlement conference in the above-referenced matter set for June 13, 2012.

Ms. de Abadia-Peixoto and Ms. Wei are currently in immigration custody at the Yuba County Jail and Sacramento Jail, respectively. Mr. Cifuentes was ordered deported after this suit was filed. He currently resides in Guatemala. Even if he were permitted to enter the United States for purposes of attending the settlement conference, the expense of such travel would constitute an extraordinary or otherwise unjustifiable hardship. Attendance by telephone is likewise impracticable, due to limited access to telephone use for immigration detainees and the prohibitive expense of a several-hour telephone call to Guatemala.

The personal attendance of these three plaintiffs is not essential to the settlement conference. There is no amount in controversy in this case because plaintiffs seek only declaratory and injunctive relief. Plaintiffs' counsel represent the interests of the entire class of detained immigrants with proceedings in San Francisco immigration court and will have thoroughly discussed settlement options with the missing class representatives prior to the settlement conference. Class representative Pedro Nolasco José will be in attendance and able to share her experience as a detained immigrant who was shackled during court appearances. The absence of the other three plaintiffs will not adversely affect plaintiffs' ability to fully negotiate a settlement agreement that class counsel can recommend with confidence. Moreover, it is plaintiffs' understanding that any agreement reached at the settlement conference will be subject

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to final review and approval by all federal agency defendants, making a complete resolution of the case on the day of the settlement conference extremely unlikely. On May 30, 2012, plaintiffs' counsel received word from counsel for defendants, confirming that defendants do not object to the non-attendance of plaintiffs de Abadia-Peixoto, Cifuentes, and Wei.

Respectfully submitted,



Julia Harumi Mass
Staff Attorney

Date: June 5, 2012

